

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BIOPURE CORPORATION
SECURITIES LITIGATION

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Civ. No. 03-12628-NG

**PLAINTIFFS' ASSENTED-TO MOTION TO: (1) EXTEND THE DEADLINE
FOR PLAINTIFFS TO FILE THEIR OPPOSITION TO DEFENDANTS' MOTION
TO STRIKE ERRATA SHEETS (DOCKET NO. 141) AND THEIR REPLY BRIEF
IN SUPPORT OF THEIR AMENDED MOTION FOR CLASS CERTIFICATION
(DOCKET NO. 131) UNTIL SEPTEMBER 29, 2006 AND (2) FOR LEAVE TO
EXCEED PAGE LIMIT ON THEIR CLASS CERTIFICATION REPLY BRIEF**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7.1(B)(1) and (4), Plaintiffs hereby move this Court, with the assent of Defendants, for the following relief: (1) to extend the deadline within which Plaintiffs must file their opposition to Defendants' Motion to Strike Errata Sheets (Docket No. 141) ("Plaintiffs' Errata Opposition") and their Reply Brief In Support of Their Amended Motion for Class Certification (Docket No. 131) (the "Class Certification Reply") until September 29, 2006, and (2) for leave to exceed the standing 20-page limit (not to exceed 40 pages) provided in Local Rule 7.1(B)(4) with regards to their Class Certification Reply.

As grounds for this motion, Plaintiffs state as follows:

1. Plaintiffs' Class Certification Reply was scheduled to be filed on September 11, 2006, pursuant to the parties' Stipulation Regarding Class Certification Discovery And Class Certification Briefing Schedule (Docket No. 139) (the "Joint Stipulation") which was adopted by this Court's Electronic Endorsement on July 7, 2006. Pursuant to this Court's Electronic Order of August 7, 2006 (granting Docket No. 147), Plaintiffs' Errata Opposition was likewise scheduled to be filed on September 11, 2006.

2. The extension of time within which to file both briefs until September 29, 2006, is necessary, among other reasons, to permit Plaintiffs to conduct additional discovery concerning their Class Certification Reply. The Joint Stipulation, adopted by this Court's July 7, 2006 Electronic Order, expressly stated that the September 11, 2006 deadline applied "unless Defendants' opposition requires Plaintiffs to conduct additional discovery."

3. The page limit extension for Plaintiffs' Class Certification Reply is necessary for Plaintiffs to adequately reply to Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification (Docket No. 144), which itself was 40 pages in length, with 82 footnotes. Proper analysis of the issues raised therein will require quotation from lengthy deposition transcripts, the complaints in this action, and case law on numerous issues.

4. In their Assented-To Motion For Leave To Exceed Page Limit (Docket No. 143), Defendants expressly agreed to Plaintiffs' future request, articulated herein, to submit a Class Certification Reply not to exceed 40 pages.

5. Defendants assent to the relief sought by this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order that: (1) extends the deadline within which Plaintiffs must file their opposition to Defendants' Motion to Strike Errata Sheets (Docket No. 141) until September 29, 2006; (2) extends the deadline within which Plaintiffs must file their Reply Brief In Support of Their Amended Motion for Class Certification (Docket No. 131) until September 29, 2006; and (3) grants Plaintiffs leave to file a Class Certification Reply not to exceed 40 pages in length.

Dated: September 11, 2006

Respectfully submitted,

SHAPIRO HABER & URMY LLP

/s/ Matthew L. Tuccillo

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**Co-Lead Counsel For
Lead Plaintiff and The Class**

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I hereby certify that the parties' counsel conferred in a good faith effort to narrow or resolve the issues raised in this motion. As a result, Defendants have assented to the relief sought herein.

/s/ Matthew L. Tuccillo

Matthew L. Tuccillo

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on the 11th day of September, 2006.

/s/ Matthew L. Tuccillo

Matthew L. Tuccillo